

ESTTA Tracking number: **ESTTA730214**

Filing date: **02/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Niagara LaSalle Corporation
Granted to Date of previous extension	02/28/2016
Address	1412 E. 150th Street Hammond, IN 46327 UNITED STATES

Attorney information	Dennis S. Prah Ladas & Parry LLP 1040 Avenue of the Americas New York, NY 10018-3738 UNITED STATES dprahl@ladas.com, tbalducci@ladas.com, DRobertson@ladas.com,rcathcart@ladas.com,rroa@ladas.com Phone:(212) 708-1817
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Applicant Information

Application No	86189035	Publication date	09/01/2015
Opposition Filing Date	02/29/2016	Opposition Period Ends	02/28/2016
Applicant	Stressbar Systems International LimitedLiability Company 670 Bergen Boulevard, 2nd Floor Ridgefield, NJ 07657 UNITED STATES		

Goods/Services Affected by Opposition


Class 006. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Anchors; Cast iron; Commercial waste containers of metal; Masts of metal; Materials of metal for railway construction; Metal fastening anchors; Metal junction sleeves for non-electric cables; Metal nuts; Metal ores; Metal pipes and tubes except metal pipes and tubes for transportation vehicles such as cars; Metal safes; Non-electrical cables and wires of common metal; Portable metal buildings; Reinforcing materials of metal for building purposes; Steel
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Building construction; Building construction and repair; Building construction information; Building construction services; Building construction supervision; Construction management
Class 040. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Contract manufacturing in the field of steel and metals, particularly bright, threaded, concrete and quality steel pipes, wires and mats, except steel and metals for transportation vehicles such as cars; Custom steel rolling and fabrication to the order and specification of others; Material treatment services in connection with recycling; Metal lam-

inating; Metal treatment; Soldering; Waste processing

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	621637	Application Date	04/22/1955
Registration Date	02/21/1956	Foreign Priority Date	NONE
Word Mark	STRESSPROOF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1937/02/00 First Use In Commerce: 1937/02/00 STEEL		

Attachments	71686062#TMSN.png(bytes) Notice Of Opposition - Stressbar.pdf(188898 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Dennis S. Prah/
Name	Dennis S. Prah
Date	02/29/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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NIAGARA LASALLE CORPORATION,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Serial No. 86/189,035
	:	
STRESSBAR SYSTEMS INTERNATIONAL	:	
LIMITED LIABILITY COMPANY	:	
	:	
Applicant.	:	
	:	
-----X	:	

NOTICE OF OPPOSITION

In the matter of Application Serial No. 86/189,035, filed on February 10, 2014 by Stressbar Systems International Limited Liability Company, a New Jersey limited liability company, with an address at 670 Bergen Boulevard, 2nd Floor, Ridgefield, New Jersey 07657 (“Applicant”), in International Classes 06, 37, and 40 seeking registration on the Principal Register of the trademark STRESSBAR in connection with various goods and services, including:

Anchors; Cast iron; Commercial waste containers of metal; Masts of metal; Materials of metal for railway construction; Metal fastening anchors; Metal junction sleeves for non-electric cables; Metal nuts; Metal ores; Metal pipes and tubes except metal pipes and tubes for transportation vehicles such as cars; Metal safes; Non-electrical cables and wires of common metal; Portable metal buildings; Reinforcing materials of metal for building purposes; Steel in Class 06

Building construction; Building construction and repair; Building construction information; Building construction services; Building construction supervision; Construction management in Class 37

Contract manufacturing in the field of steel and metals, particularly bright, threaded, concrete and quality steel pipes, wires and mats, except steel and metals for transportation vehicles such as cars; Custom steel rolling and fabrication to the order and specification of others; Material treatment services in connection with recycling; Metal laminating; Metal treatment; Soldering; Waste processing in Class 40

(“STRESSBAR”), which application was published for opposition on September 01, 2015 with extensions of time to file a Notice of Opposition granted up to and including Sunday, February 28, 2016.

The Niagara LaSalle Corporation, a Delaware corporation with an address at 1412 E. 150th Street, Hammond, Indiana 46327 (“Opposer”), believes that it is or will be damaged by the registration of STRESSBAR Application No. 86/189,035 and hereby opposes registration of the mark on the following grounds:

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Section 2(d) Likelihood of Confusion

1. Opposer is the owner of the STRESSPROOF mark and the common law rights thereto, as well as incontestable STRESSPROOF Registration No. 621,637 for “Steel” in International Class 06, hereinafter individually and collectively referred to as the “STRESSPROOF Mark”.

2. Opposer, and/or its predecessor, adopted and has continuously used its STRESSPROOF Mark in connection with steel and steel products since at least as early as 1937, which is more than seventy-eight years prior to the filing date of Applicant’s STRESSBAR application.

3. Opposer has extensively advertised, promoted, marketed and otherwise publicized its goods bearing the STRESSPROOF Mark, such that consumers have come to know and

recognize its STRESSPROOF Mark as identifying goods which originate with, are authorized by, or otherwise identify, Opposer.

4. Applicant's use and/or application to register the confusingly similar mark STRESSBAR in connection with:

Anchors; Cast iron; Commercial waste containers of metal; Masts of metal; Materials of metal for railway construction; Metal fastening anchors; Metal junction sleeves for non-electric cables; Metal nuts; Metal ores; Metal pipes and tubes except metal pipes and tubes for transportation vehicles such as cars; Metal safes; Non-electrical cables and wires of common metal; Portable metal buildings; Reinforcing materials of metal for building purposes; Steel in Class 06

Building construction; Building construction and repair; Building construction information; Building construction services; Building construction supervision; Construction management in Class 37

Contract manufacturing in the field of steel and metals, particularly bright, threaded, concrete and quality steel pipes, wires and mats, except steel and metals for transportation vehicles such as cars; Custom steel rolling and fabrication to the order and specification of others; Material treatment services in connection with recycling; Metal laminating; Metal treatment; Soldering; Waste processing in Class 40

constitutes use of and/or application to register a mark confusingly similar to Opposer's STRESSPROOF Mark. Applicant's STRESSBAR mark contains the identical initial term STRESS, arguably the predominant portion of Opposer's mark, combined with the term BAR, a non-distinctive word which is at best descriptive of the steel bars offered under both the Applicant's STRESSBAR and Opposer's STRESSPROOF Marks, and is likely to be perceived by purchasers and/or consumers as either a variation or another of Opposer's STRESSPROOF Mark. Moreover, the recited services in Applicant's applied-for mark are identical and/or related to the products marketed and sold by Opposer under its STRESSPROOF Marks.

5. Applicant's STRESSBAR mark is likely to be confused with Opposer's STRESSPROOF Mark insofar as the average purchaser is likely to be confused and deceived

into believing that Applicant's goods and services originate with Opposer, or are in some way associated with, connected, sponsored or authorized by, Opposer.


6. Insofar as some of the recited services or goods are arguably not identical, consumers are likely to believe that Opposer has "bridged the gap" or expanded to additional related and/or complimentary services or goods within Opposer's Natural Zone of Expansion, creating a likelihood of confusion between the Opposer's STRESSPROOF Mark and the Applicant's STRESSBAR mark.

WHEREFORE, Opposer requests that this opposition be sustained and that Application No. 86/189,035 be refused registration in relation to all of the applied-for goods and services in Classes 06, 37, and 40.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

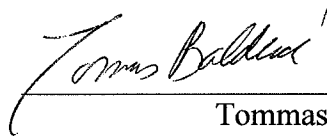
Dated: February 29, 2016

By: 
Dennis S. Prahl
1040 Avenue of the Americas
New York, New York 10018
Tel: (212) 708-1817
(Our Ref.: C15672727)

CERTIFICATE OF TRANSMISSION

I, Tommas Balducci, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** has been electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: February 29, 2016




Tommas Balducci

CERTIFICATE OF SERVICE

I, Tommas Balducci, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served via First-Class Mail, postage prepaid, on the date indicated below, to the following:

Mr. Antonio Guitierrez and Ms. Michelle Ferrer
Plata Ferrer & Guitierrez LLC
7000 Boulevard East, STE M-21A
Guttenberg NJ, 07093-4814

Dated: February 29, 2016



Tommas Balducci